

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

MARIA ALPIZAR and
EDUARDO ALPIZAR,

Plaintiffs,

v.

CANADIAN FLATBEDS LTD., et al.,

Defendants.

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Case No.: 5:22-1914-TLW

NOTICE OF REMOVAL

Defendants, Canadian Flatbeds Ltd. (“Canadian Flatbeds”), and Shamsheer Singh (“Mr. Singh”), by their attorneys, Lewis Brisbois Bisgaard & Smith LLP, pursuant to 28 U.S.C. §§ 1332(a) and 1441(b), hereby remove this action from the Court of Common Pleas for the Ninth Judicial Circuit, Calhoun County, South Carolina, to the United States District Court District of South Carolina, Orangeburg Division. As grounds for this removal, defendants state as follows:

1. On April 6, 2022, plaintiffs filed a Complaint in the Court of Common Pleas for the Ninth Judicial Circuit, Calhoun County, South Carolina, entitled *Maria Alpizar and Eduardo Alpizar v. Canadian Flatbeds Ltd., et al.*, Case Number 2022 CP 0900055. (See Exhibit 1).

2. On June 6, 2022, defendants were served with the Complaint. (See Exhibit 2 at ¶7).

3. Plaintiffs generally aver that they suffered severe personal injuries resulting from an April 10, 2019 motor vehicle collision in Calhoun County, South Carolina with a vehicle owned by Canadian Flatbeds and operated by Mr. Singh. (See Exhibit 1).

4. Plaintiffs further aver that they “suffered great physical harm and injury” . . . causing “much physical pain and suffering and has caused them to spend money.” (*Id.* at ¶7).

5. In negotiations, plaintiff has demanded settlement for amounts in excess of \$75,000.00.

6. Plaintiffs are residents and citizens of Florida. (*Id.* at ¶2).

7. Canadian Flatbeds is a company that is organized and existing under the laws of Ontario, Canada. (*See* Exhibit 2 at ¶3).

8. For purposes of determining diversity jurisdiction, Canadian Flatbeds is a citizen of Ontario, Canada because its principal place of business, offices and distribution center are located in Ontario, Canada. (*Id.* at ¶4).

9. The vehicle operated by Shamsheer Singh at the time of the motor vehicle accident described in the Plaintiff's Complaint, was owned by Canadian Flatbeds. (*Id.* at ¶6).

10. On April 10, 2019, while engaged in the activity described in the Complaint in this matter, Mr. Singh was an employee of Canadian Flatbeds. (*Id.* at ¶7).

11. Mr. Singh resides in and is a citizen of Ontario, Canada. (*Id.* at ¶8).

12. Here, there is complete diversity between plaintiff and defendants and the amount in controversy exceeds \$75,000.00 as required by 28 U.S.C. § 1441(b).

13. By reason of the foregoing, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a). There is complete diversity of citizenship, and the amount in controversy exceeds \$75,000.00, exclusive of costs. Removal of the state court action to this Court is therefore appropriate under 28 U.S.C. § 1441(b).

14. Removal of this action is timely under 28 U.S.C. § 1446(b) because this Notice of Removal was filed within thirty days after receipt by the defendants through service of the Complaint where it was ascertained that the case is one which is or has become removable. Moreover, this Notice of Removal was filed within one year after commencement of the action.

15. Pursuant to 28 U.S.C. § 1446(d), contemporaneous with this filing, defendants are serving a copy of this Notice of Removal upon plaintiff and filing a copy with the Clerk of the Court of Common Pleas for the Ninth Judicial Circuit, Calhoun County, South Carolina.

16. Defendants reserve the right to supplement this Notice of Removal and/or to present additional arguments in support of their entitlement to removal.

17. Removal is hereby effected without waiver of any challenges that defendants may have to personal jurisdiction, venue or service of process. Further, no admission of fact, law or liability is intended by this Notice of Removal, and all defenses, affirmative defenses and motions are hereby reserved.

WHEREFORE, Defendants, Canadian Flatbeds Ltd. and Shamsher Singh, hereby give notice of the removal of the above-referenced action to the United States District Court District of South Carolina.

Respectfully submitted,

Canadian Flatbeds Ltd. and George Singh,

By: /s/ Kate Cappelmann

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Date: June 16, 2022

Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that we have this day filed the within and foregoing **NOTICE OF REMOVAL** and all exhibits referenced therein, by electronically filing the same with the Clerk of Court using the CM/ECF system, which will automatically send electronic notification to counsel for Plaintiff and by depositing a copy of the same in the United States Mail, proper postage prepaid, to counsel for Plaintiff at:

Charles J. Brooks, II
P.O. Box 1147
Columbia, SC 29202

Respectfully submitted this 16th day of June, 2022.

LEWIS BRISBOIS BISGAARD & SMITH, LLP

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